

**GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT**

(G.O. Rt. No. 107/Lab./AIL/J/2012, dated 5th July 2012)

**NOTIFICATION**

Whereas, the Award in I.D. No. 6/2008, dated 10-4-2012 of the Labour Court, Karaikal in respect of the industrial dispute between the management of M/s. Vinayaka Mission Medical College and Hospital, Karaikal and Thiru K. Nallathambi over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G. O. Ms. No.20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

**G. SRINIVAS,**  
Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT, KARAİKAL**

*Present : Tmt. R. MARGARET ROSALINE, M.L.,  
Presiding Officer, District Judge.*

*Tuesday, the 10th day of April 2012*

**I.D. No. 6/2008**

Nallathambi . . . Petitioner

*Versus*

The Employer, . . . Respondent  
M/s. Vinayaka Mission College and  
Hospital, Karaikal.

This petition coming on 30-3-2012 for final hearing before me in the presence of Thiru P. Muthukrishnan, Advocate for the petitioner, Thiruvalargal R. Ilanchelian, S.Sakthi Priya and R.Thilagavathi, Advocates for the respondent, upon hearing both sides and perusing the case records and having stood over for consideration till this day, this court passed the following :

**AWARD**

This is a reference under section 10 (1) of the Industrial Disputes Act to consider the following points.

(a) Whether the dispute raised by Thiru Nallathambi against the management of M/s.Vinayaka Mission Medical College and Hospital, Karaikal over his non-employment is justified or not?

(b) To what relief, Thiru Nallathambi is entitled to ?

(c) To compute the relief if any, awarded in terms of money, if it can be so computed?

2. The following are the averments found in the claim statement:

The petitioner was working as driver in the respondent institution from 1-2-2007 to 16-2-2008 and was drawing a sum of ₹ 3,500 as a salary per month. He was driving the college bus without any negligence. Suddenly on 16-2-2008, he was instructed by the security that the respondent/management has instructed him not to admit the petitioner inside the institution. Further he was also not paid wages. He was also denied work in spite of his request for his reinstatement. The respondent did not comply his request. He made a complaint before the Labour Officer, Karaikal. The respondent filed his counter with the submission that the petitioner was working as a casual driver and was engaged on need basis. The petitioner absented himself from his lawful duty after having some altercation during working hours with one regular employee on 2-2-2008. As the petitioner is casual employee and voluntarily absented from the work for more than ten days, he is not having any lien in employment. Even during the conciliation this respondent informed that it is prepared to pay the salary from 16-1-2008 to 2-2-2008 which amounts of ₹ 2,407. Hence the petitioner prayed for payment of the arrears of salary and also for reinstatement.

3. The respondent filed its counter statement with the following averments:

The respondent neither denied the employment of the petitioner nor the wages he drawn. As the petitioner has voluntarily abated his duty he is not entitled to claim any employment. The petitioner entered into some altercation during working hours with regular employee on 2-2-2008 and subsequently he never reported for work for the reasons best known to him. Suddenly to the surprise of the respondent, the petitioner has raised industrial dispute before the Labour Officer, Karaikal claiming non-payment of wages and alleging that he was prevented from attending his duty. The respondent never denied or prevented the petitioner from attending his work. The petitioner himself not reported for work and he has also not sought any permission for absenting himself from work. The

present claim is only after-thought to overcome the situation by raising the industrial dispute. The respondent is a prudent employer imparting medical education and also running a hospital. There are more than 300 employees both under regular and casual and it does not have any bias or ulterior motive against the petitioner. The petitioner refused to receive his wages for the period he worked. The petitioner is not a regular employee. He has not put long service. His nature of employment is purely casual since February 2007. The casual labourer did not have any right once they deserted the work. Hence, the petitioner is not entitled for the relief as he was absented himself for more than 10 days without any prior permission. Hence, it prayed for dismissal of the dispute.

*4. Now the points for determination are:*

(1) Whether the non-employment of the petitioner by the respondent is justified or not?

(2) If so, what are the reliefs the petitioner is entitled to?

*On these pleadings :*

5. In order to fortify his claim, the petitioner examined himself as PW.1 and marked Exs.P1 to P4. On the side of the respondent, one witness has been examined as RW.1 and Ex.M1 to M6 were marked through him.

*6. Point No. 1:*

It is an admitted fact that the petitioner was employed as a casual driver for monthly wages of ₹ 3,500. According to the respondent the wages are paid at every 15 days and the petitioner himself did not report for work from 2-2-2008 and absented himself. However during the examination of RW.1, the affidavit filed by him reveals that the petitioner has failed to report for work from 4-2-2008 and he was marked absent in the attendance register. Though the respondent alleges, so during cross-examination RW.1 has deposed that the petitioner had given a letter to the respondent alleging prevention of work by the respondent/management. He has further admitted that though when enquiry was conducted regarding the petitioner's letter, no reply was given to the petitioner. He has also deposed that the letter was given to Manager (Administration) and he alone conducted the enquiry and he has no idea of the outcome. Under such circumstances, this court is of opinion that non-examination of the said Manager before this court and the failure to reply for the said letter given by the petitioner requires interference in the non-employment of the petitioner. Admittedly, the petitioner was not paid the salary for the period he worked. The respondent is also not in a position

to say from which date the petitioner absented himself voluntarily. There is no evidence to show that the petitioner absented himself without appearing for work. In view of the above discussion, this court is of opinion that the respondent has prevented the petitioner from doing his work and in such circumstances the non-employment of the petitioner is not justified. Hence, this point is answered in favour of the petitioner as against the respondent to the effect that the non-employment of the petitioner by the respondent is not justified.

*7. Point No. 2 :*

In view of the findings of this court in Point No. 1, the petitioner is entitled for an order of reinstatement. Considering the circumstances of the case, the petitioner is also entitled for back wages alone for the period during which he was prevented from doing his work. Considering the circumstances of the case, there is no order as to costs.

In the result, the petition is allowed directing the respondent to reinstate the petitioner into service from the date of this order and the respondent is also directed to pay back wages from the date of the stoppage of work till reinstatement. No costs.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open court on this 10th day of April 2012.

**R. MARGARET ROSALINE,**  
Presiding Officer, Labour Court,  
Karaikal.

*Petitioner's witnesses:*

P.W.1 — Nallathambi

*Respondent's witnesses:*

R.W.1 — Mohan

*Petitioner's exhibits:*

Ex.P1 — 21-6-2011 Copy of petition, dated 18-2-2008.

Ex.P2 — 21-6-2011 Reply dated 12-3-2008 given by the petitioner.

Ex.P3 — 21-6-2011 Copy of petition dated 2-2-2008.

Ex.P4 — 21-6-2011 Copy of F.I.R. dated 4-2-2008.

*Respondent's exhibits :*

Ex.M1 — 29-7-2011 The authorisation letter given to the deponent by the respondent.

- Ex.M2 — 29-7-2011 Certified copy of the notice of remarks called by the Labour Officer (Conciliation), Karaikal.
- Ex.M3 — 29-7-2011 Certified copy of the reply letter sent to the Labour Officer (Conciliation), Karaikal.
- Ex.M4 — 29-7-2011 Original of the attendance register for the month of February 2008.
- Ex.M5 — 29-7-2011 Photocopy of the petition received from the petitioner by the respondent.
- Ex.M6 — 29-7-2011 Original vouchers towards payment of wages to the petitioner for the period from 1-11-2007 to 31-12-2007.

**R. MARGARET ROSALINE,**  
Presiding Officer, Labour Court.  
Karaikal.

**GOVERNMENT OF PUDUCHERRY**  
**LABOUR DEPARTMENT**

(G.O. Rt. No. 108/Lab./AIL/J/2012, dated 5th July 2012)

**NOTIFICATION**

Whereas, the award in I.D. No. 3/2011, dated 23-4-2012 of the Labour Court, Karaikal in respect of the industrial dispute between the management of M/s. Vinayaga Mission Medical College and Hospital, Karaikal and Thiru V. Govindarajan over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G. O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said award shall be published in the official gazette, Puducherry.

(By order)

**G. SRINIVAS,**  
Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT, KARAİKAL**

*Present :* Tmt. R. MARGARET ROSALINE, M.L.,  
Presiding Officer, District Judge.

*Monday, the 23rd day of April 2012*

**I.D. No. 3/2011**

V. Govindarajan . . . Petitioner

*Versus*

The Management of . . . Respondent  
M/s. Vinayaga Mission Medical  
College and Hospital, Karaikal.

This petition coming on this day for hearing before me in the presence of Thiru R. Elencheliyan, Advocate for the respondent, petitioner served personally and not appeared, upon hearing him and perusing the case records and having stood over for consideration till this day, this court passed the following :

**AWARD**

This is a reference under the Industrial Disputes Act, 1947 regarding the dispute arose between the management of M/s. Vinayaga Mission Medical College and Hospital, Karaikal and Thiru V. Govindarajan over non-employment in respect of the matter mentioned in G. O. Rt. No. 209/AIL/Lab./J/2011, dated 25-11-2011.

Petitioner called absent in spite of service personally. As the petitioner is not interested, the reference is closed.

Written down and pronounced by me in the open court on this the 6th day of January 2012.

**R. MARGARET ROSALINE,**  
Presiding Officer, Labour Court,  
Karaikal.

**GOVERNMENT OF PUDUCHERRY**  
**LABOUR DEPARTMENT**

(G.O. Rt. No. 109/Lab./AIL/J/2012, dated 5th July 2012)

**NOTIFICATION**

Whereas, the award in I.D. No. 8/2009, dated 23-3-2012 of the Labour Court, Karaikal in respect of the industrial dispute between the management of M/s. Latha Electric Works and Company, Karaikal and its workman Thiru N. Ramalingam over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read

with the notification issued in Labour Department's G. O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said award shall be published in the official gazette, Puducherry.

(By order)

**G. SRINIVAS,**  
Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT, KARAIKAL**

*Present :* Tmt. R. MARGARET ROSALINE, M.L.,  
Presiding Officer, District Judge.

*Friday, the 23rd day of March 2012*

**I.D. No. 8/2009**

N. Ramalingam . . . Petitioner/  
Labourer.

*Versus*

M/s. Latha Electric Works and . . . Respondent/  
Company, Karaikal. Employer.

This petition coming on 6-2-2012 for final hearing before me in the presence of Thiru R. Vetrivelvan, Advocate for the petitioner, Thiru V.G.R. Rajakumar, Advocate for the respondent, upon hearing both sides and perusing the case records and having stood over for consideration till this day, this court passed the following :

**AWARD**

This is a reference made by the Government of Puducherry through Labour Department with reference to industrial dispute raised by the petitioner herein with the following issues.

(a) Whether the dispute raised by Thiru N. Ramalingam, against the management of M/s. Latha Electric Works and Company, Karaikal is justified or not?

(b) If justified to what relief, he is entitled to?

(c) To compute the relief if any, awarded in terms of money, if it can be so computed?

2. The following are the averments found in the claim statement:

The petitioner is an employee in a respondent company as electrical worker for more than 15 years. He is a skilled labour employed by the respondent as a full-time employee from 1-6-1981. Initially he was paid a sum of ₹ 500 as monthly salary and his present salary is ₹ 4,500 per month

other than batta. In the month of August 1998, the proprietor of the respondent company sustained grievous injury in an accident and as a result he was bedridden for nearly three to four months. During that time the petitioner was looking after the business. However, the allegation of the respondent that he exploited the position and swindled money is a false charge. During the year 2003, the respondent's son-in-law one Rajesh was managing the company and during that time one day one of the daughters of the respondent came to the shop and closed it without saying anything to the petitioner. The respondent also filed a suit in O.S.No.227/2008 restraining the petitioner from interfering with the business of the respondent's firm. The suit is pending for trial. As the petitioner has sustained damages, he issued a notice to the respondent company seeking damages. As such the petitioner was working till the second week of May 2008 and subsequently the respondent adopted unfair labour practice. Hence, he was compelled to give a complaint to the Labour Officer, Karaikal and conciliation ended in failure and the dispute was referred under industrial disputes to the Labour Court, Karaikal. Hence, the claim petition.

3. The respondent filed its counter statement with the following averments:

The respondent is the licensed electrical supervisor and he was doing electrical installation work under the name and style of Latha Electrical Works. It does not come under the category of industry. The petitioner is an unskilled worker and he was not employed as full-time worker from 1-6-1981 and even the petitioner was not paid ₹ 4,500 per month. There is no employer and employee relationship between the respondent and the petitioner. The reference itself is bad under law. The petitioner never looked after the business when the respondent company's proprietor was under treatment. The reference was not made by the appropriate Government. Even otherwise the copy of reference said to have sent by him to the petitioner is invalid. During his admission, the petitioner himself has come forward and sought help to the business which was run by the respondent's daughters. The petitioner slowly and stealthily secreted away the profits of the respondent by misusing the innocence and ignorance of the respondent's daughter. As the petitioner was giving trouble to the respondent he was compelled to file a suit in O.S. No. 227/2008 as against the petitioner and the same is still pending. Hence, prayed for dismissal of the petition with costs.

4. *Now the points for determination are:*

(1) Whether the termination of petitioner by the respondent is justifiable?

(2) If so, what are the reliefs the petitioner is entitled to?

*On these pleadings :*

5. In order to fortify his claim, the petitioner examined himself as PW.1 and marked Exs. P1 to P14. On the side of the respondent, the proprietor examined himself as RW.1 and has not chosen to mark any document.

6. *Point No. 1:*

The first objection of the respondent is that the reference made is not legally valid and the petition is not maintainable. It is a fact that the notification of Government of Puducherry, dated 17-3-2009 was not sent to this court for the reasons not known to this court. However the petitioner himself has produced a copy of notification of the Labour Department, Puducherry regarding the industrial dispute raised by the petitioner. The said reference has been marked as Ex.P2. Therefore the respondent's contention that the reference is not valid is devoid of merits. The next contention of the respondent is that there is no relationship as that of employer and employee between the respondent and petitioner. Once the reference is made to this court, this court cannot question the validity of the reference made as it within the jurisdiction of the Hon'ble High Court, Madras. If at all the respondent is aggrieved by the reference made to this court, he ought to have questioned the same before the Hon'ble High Court, Madras by way of writ petition. As such this court is of opinion that this court cannot go into this issue.

7. Therefore, the question of relationship that of employer and employee is not permitted at this stage. RW.1 during his cross-examination has admitted that the petitioner worked under him for about 10 to 15 years from 1981 as full-time worker. He has also admitted that the petitioner used to look-after the shop when he was undergoing treatment at Madras for his injuries due to an accident. Ex.P2 is the notification of Labour Department, dated 17-3-2009 referring the dispute to this court. Therefore this court is bound to decide the dispute on merit without questioning the validity of it. Ex.P4 reveals that the petitioner is a licensee permitting him to carry out wiring work. The contention that the petitioner is an unskilled labourer is also without any merit. Ex.P5 and P6

reveal that the petitioner was working since 1-6-1981 in the respondent company and he was given work certificate by RW.1 himself. Ex.P8 is the petition to the Labour Officer complaining about the illegal termination of the petitioner on 13-5-2008 and the same has been received by the Labour Officer, Karaikal on 16-5-2008. The perusal of Ex.P13 shows that the petitioner was paid ₹ 4,250 per month other than his batta money. Though the respondent sent Ex.P3 the notice to the petitioner Advocate, he has not chosen to deny the same. Therefore this court comes to conclusion that the last pay monthly salary of the petitioner is ₹ 4,250.

8. Though the respondent has stated that the petitioner is profitably employed by having his own shop at Kamaraj Salai he has not chosen to substantiate the same through any evidence. As such the petitioner has proved that he was illegally terminated by the respondent without following due process of law. Hence, this point is answered to the effect that the termination of the petitioner by the respondent is not justifiable.

9. *Point No. 2 :*

In view of the decision of this court on Point No.1, the petitioner is found to be illegally terminated from his service on 13-5-2008 and therefore he is entitled for reinstatement to the said work. However, considering the strained relationship between him and the respondent, it cannot be conducive for the petitioner to work in the respondent's company after a lapse of four years if reinstatement is ordered. Therefore, this court is opinion that the petitioner can be given a relief of payment of compensation. As such the petitioner is to be suitably compensated. Considering the last payment of ₹ 4,250 per month, the petitioner is entitled for compensation to the tune of ₹ 25,000 payable by the respondent within the period of one month from the date of this order. Hence, this point is answered accordingly. Considering the circumstances of the case, there is no order as to costs.

In the result, the award is passed directing the respondent to pay ₹ 25,000 to the petitioner within one month from the date of this order. No costs.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open court on this 23rd day of March 2012.

**R. MARGARET ROSALINE,**  
Presiding Officer, Labour Court.  
Karaikal.

*Petitioner's witness :*

P.W.1 — N. Ramalingam

*Respondent's witness :*

R.W.1 — A. Santhanakrishnan

*Petitioner's exhibits :*

Ex.P1 — 29-10-2008 Certified copy of order passed by the Hon'ble High Court, Madras in W.P. No. 22875/2008, dated 29-10-2008.

Ex.P2 — 17-3-2009 Original reference made by Joint Secretary (Labour).

Ex.P3 — 1-2-1997 Certified copy of Wireman's Certificate.

Ex.P4 — 1-2-1997 Certified copy of Wireman's Certificate Identity Card.

Ex.P5 — 5-1-1982 Certified copy of Experience Certificate.

Ex.P6 — — Certified copy of Experience Certificate.

Ex.P7 — 15-5-1996 Certified copy of Experience Certificate.

Ex.P8 — 16-5-2008 Certified copy of complaint to the Labour Officer.

Ex.P9 — 5-11-2004 Certified copy of Labour Identity Card.

Ex.P10 — 19-5-2008 True copy of plaint in O.S. No. 227/2008.

Ex.P11 — 3-8-2008 Office copy of written statement filed by the petitioner in O.S. No. 227/2008.

Ex.P12 — 10-5-2008 Advocate notice

Ex.P13 — 16-5-2008 Reply notice

Ex.P14 — 17-5-2008 Acknowledgment card.

*Respondent's exhibits : Nil.*

**R. MARGARET ROSALINE,**  
Presiding Officer, Labour Court.  
Karaikal.

GOVERNMENT OF PUDUCHERRY

**OFFICE OF THE CHIEF EDUCATIONAL OFFICER**

*No. 650/CEO/Exam. Cell/2012-13.*

*Puducherry, the 29th June 2012.*

**NOTIFICATION**

It is hereby notified that the original Matric Mark Certificate, bearing Serial Number MAT 0193844 under Register Number 843488 of April 2004, in respect

of R. Anandh Balaji, an ex-pupil of Petit Seminaire Higher Secondary School, Puducherry is reported to have been lost and beyond scope of recovery and it is proposed to issue a duplicate certificate. If the original certificate is to be found by anybody, it should be sent to the Director of Government Examinations, Chennai-6 for cancellation, as it is no longer valid.

**CHIEF EDUCATIONAL OFFICER.**

GOVERNMENT OF PUDUCHERRY

**OFFICE OF THE CHIEF EDUCATIONAL OFFICER**

*No. 650/CEO/Exam. Cell/2012-13.*

*Puducherry, the 29th June 2012.*

**NOTIFICATION**

It is hereby notified that the original S.S.L.C. Mark Certificate, bearing Register Number 323386 of April 1995, in respect of V. Pushpa, an ex-pupil of Annai Sivagami Government Girls' Higher Secondary School, Mudaliarpur is reported to have been lost and beyond scope of recovery and it is proposed to issue a duplicate certificate. If the original certificate is to be found by anybody, it should be sent to the Director of Government Examinations, Chennai-6 for cancellation, as it is no longer valid.

**CHIEF EDUCATIONAL OFFICER.**

GOVERNMENT OF PUDUCHERRY

**OFFICE OF THE CHIEF EDUCATIONAL OFFICER**

*No. 650/CEO/Exam. Cell/2012-13.*

*Puducherry, the 29th June 2012.*

**NOTIFICATION**

It is hereby notified that the original S.S.L.C. Mark Certificate, bearing Serial Number 2460737 under Register Number 484647 of March 2005, in respect of A. Samsul Vazeer, an ex-pupil of Perunthalaivar Kamaraj Government Boys' High School, Muthialpet is reported to have been lost and beyond scope of recovery and it is proposed to issue a duplicate certificate. If the original certificate is to be found by anybody, it should be sent to the Director of Government Examinations, Chennai-6 for cancellation, as it is no longer valid.

**CHIEF EDUCATIONAL OFFICER.**